

Attorney's Docket No.: 18897-003001/1150-111US

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested

The rejection stated that claims 1, 19 and 25 currently on file, are rejected under 35 U.S.C. 102(e), alleging that the subject matter of these claims is anticipated by United States Patent No. 6,075,773 to Clark et al., hereinafter referred to as Clark.

Having specific regard to claim 25, the Rejection alleged that Clark discloses the invention substantially as claimed, including an apparatus for dispatching bursts of packets onto a computer network, comprising: a computer processor (wherein Clark discloses a "microprocessor", abstract lines 1 to 5); a network interface (wherein Clark discloses a "media interface", abstract, lines 12 to 14); a program memory accessible to the processor (wherein Clark discloses a packet memory for storing the generated test packets, and discloses interacting between the processor and the packet memory, abstract lines 1 to 20 and column 4, lines 45 to 60); the program memory comprising test packet sequencer software comprising a series of instructions executable by the processor under control of an operating system, the instructions, if executed by the processor, causing the processor to: establish a first I/O completion port (wherein

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Clark discloses a method of establishing connection between a test packets generator and testing device through "connection ports 4", Figure 1, items 2, 4, 5, 6 and 8); generate a plurality of test packets (wherein Clark discloses after generating test packets based on testing request, the packet generating module sends test packets via link 5 and port 6 to the test device; abstract lines 1 to 16, column 3, lines 55 to 60 and Figure 2, items 2, 4, 5 and 6); forward to the first I/O completion port a request that the test packets be dispatched; and dispatch the test packets onto the network by way of the network interface under control of the first I/O completion port (wherein Clark discloses the packet generator includes a "media interface", the packet generating module sends test packets via link 5 and port 6 to the test device, abstract lines 1 to 16, column 3, lines 55 to 60, Figure 2, items 2, 4, 5 and 6).

The Applicant respectfully disagrees with the Rejection, asserting that Clark discloses a "connection port" and fails to disclose an "I/O completion port" as expressly defined in independent claims 1 and 25 and similarly independent claim 23. It is clear that the "connection port" as disclosed by Clark is a physical connection between the "media interface" and a "device to be tested", and as defined by Clark in column 3, lines 1 to 5 and Figure 1. Clark continues to further define the format of the "connection ports" in column 3, lines 12 to

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19, stating that they are compatible with "twisted pairs", "fiber media" or "coaxial media", which are all physical connections. Therefore as disclosed by Clark, a physical connection between the "media interface" and "a device to be tested" is defined as a "connection port".

In contrast, an I/O completion port as identified in independent claims 1, 23 and 25, is known in the art as a software interface which provides a means for an application to use a pool of threads that were created when the application was started in order to process input/output (I/O) requests, see for example, the description of an I/O completion port provided on the MSN website

[http://msdn.microsoft.com/library/default.asp?url=/library/en-us/fileio/fs/i\\_o\\_completion\\_ports.asp](http://msdn.microsoft.com/library/default.asp?url=/library/en-us/fileio/fs/i_o_completion_ports.asp). For example, an I/O completion port can provide a means for managing a pool of threads efficiently and control the amount of concurrency therein. In a client-server situation where a large number of clients connect to a server, an I/O completion port allows for one to pre-create a set of threads, forming a pool, and allocate these threads to requests from clients using a scheduling scheme. It is therefore clear, that an I/O completion port as identified in independent claims 1, 23 and 25, is fundamentally different from the physical connection provided by the "connection port" as defined by Clark.

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For the reasons set forth above, the Applicant strongly asserts that independent claims 1, 23 and 25 are not disclosed by Clark. The Applicant further asserts that as claim 19 is dependent on claim 1, this dependent claim is further not disclosed by Clark. The Applicant therefore asserts that claims 1, 19, and 25 currently on file, are patentable over Clark, and therefore respectfully requests that the 35 U.S.C. 102(e) objection be withdrawn.

The Rejection stated that claims 3 to 10, 17, 21, 22 and 26, currently on file, are rejected under 35 U.S.C. 103(a), alleging that the subject matter of these claims is unpatentable over Clark in view of United States Patent No. 5,477,531 to McKee et al., hereinafter referred to as McKee.

Based on the above arguments, the Applicant asserts that independent claims 1 and 25, on one of which claims 3 to 10, 17, 21, 22 and 26 directly or indirectly depend, are novel over Clark. The Applicant further asserts that nothing in Clark teaches or suggests the use of an I/O completion port as expressly defined in independent claims 1 and 25, and similarly independent claim 23. The Applicant therefore strongly asserts that a worker skilled in the art, having regard to Clark, would not have been led directly and without difficulty to the instant invention as defined in independent claims 1, 23 and 25, as amended.

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As McKee does not cure the fundamental deficiencies identified in Clark, claims 3 to 10, 17, 21, 22 and 26 currently on file are therefore inventive in light of Clark in view of McKee. The Applicant therefore asserts that claims 3 to 10, 17, 21, 22 and 26 currently on file comply with 35 U.S.C. 103(a) and respectfully requests this objection be withdrawn.

The Rejection stated that claim 2, currently on file, is rejected under 35 U.S.C. 103(a), alleging that the subject matter of this claim is un-patentable over Clark in view of United States Patent No. 5,812,528 to VanDervort, hereinafter referred to as VanDervort.

Based on the above arguments, the Applicant asserts that independent claim 1 on which claim 2 depends, is inventive in light of Clark. As VanDervort does not cure the fundamental deficiencies identified in Clark, claim 2 currently on file is therefore inventive in light of Clark in view of VanDervort. The Applicant therefore asserts that claim 2 currently on file complies with 35 U.S.C. 103(a) and respectfully requests this objection be withdrawn.

The Rejection stated that claims 18 and 24, currently on file, are rejected under 35 U.S.C. 103(a), alleging that the subject matter of these claims is un-patentable over Clark in view of United States Patent No. 6,076,113 to Ranmanathan et al., hereinafter referred to as Ranmanathan.

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The Applicant wishes to advise the Examiner that the dependency of claim 24, currently on file has been changed from "claim 18" to "claim 23", in order to correct a typographical error.

Based on the above arguments, the Applicant asserts that independent claims 1 and 23, on one of which claims 18 and 24 depend, are inventive in light of Clark. As Ranmanathan does not cure the fundamental deficiencies identified in Clark, claims 18 and 24 are therefore inventive in light of Clark in view of Ranmanathan. The Applicant therefore asserts that claims 18 and 24 comply with 35 U.S.C. 103(a) and respectfully requests this objection be withdrawn.

The Rejection stated that claim 20, currently on file, is rejected under 35 U.S.C. 103(a), alleging that the subject matter of this claim is un-patentable over Clark in view of Ranmanathan in view of United States Patent No. 6,016,308 to Crayford et al., hereinafter referred to as Crayford.

Based on the above arguments, the Applicant asserts that independent claim 1 on which claim 20 indirectly depends, is inventive in light of Clark. As neither Ranmanathan nor Crayford cure the fundamental deficiencies identified in Clark, claim 20 currently on file is therefore inventive in light of Clark in view of Ranmanathan in further view of Crayford. The Applicant therefore asserts that claim 20 currently on file

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complies with 35 U.S.C. 103(a) and respectfully requests this objection be withdrawn.

The Rejection stated that claims 12 to 16, currently on file, are rejected under 35 U.S.C. 103(a), alleging that the subject matter of these claims is un-patentable over Clark in view of United States Patent No. 5,640,504 to Johnson, Jr., hereinafter referred to as Johnson, in further view of United States Patent No. 5,699,539 to Garber et al., hereinafter referred to as Garber.

Based on the above arguments, the Applicant asserts that independent claim 1 on which claims 12 to 16 directly or indirectly depend, is inventive in light of Clark. As neither Johnson, nor Garber cure the fundamental deficiencies identified in Clark, claims 12 to 16 currently on file are therefore inventive in light of Clark in view of Johnson, in further view of Garber. The Applicant therefore asserts that claims 12 to 16 currently on file comply with 35 U.S.C. 103(a) and respectfully requests this objection be withdrawn.

The Rejection stated that claim 11, currently on file, is rejected under 35 U.S.C. 103(a), alleging that the subject matter of this claim is un-patentable over Clark in view of McKee in further view of Johnson.

Based on the above arguments, the Applicant asserts that independent claim 1 on which claim 11 indirectly depends, is

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inventive in light of Clark. As neither McKee nor Johnson cure the fundamental deficiencies identified in Clark, claim 11 currently on file is therefore inventive in light of Clark in view of McKee in further view of Johnson. The Applicant therefore asserts that claim 11 currently on file complies with 35 U.S.C. 103(a) and respectfully requests this objection be withdrawn.

The Applicant has amended claims 1, 23 and 25 currently on file in order to more clearly describe the claimed subject matter. Claims 1, 23 and 25 submitted herewith include the features of measuring departure time of each of the test packets and measuring return time of each of the test packets. Support for this amendment can be found throughout the application as originally filed, and in particular in paragraphs 0014 and 0017, for example.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as

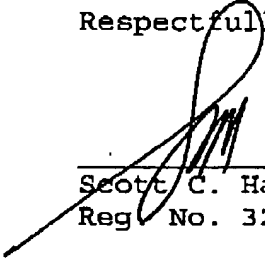


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specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply the one month extension of time fee in the amount of \$120, and any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 23, 2006  
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